

Chapter 3.05

GENERAL REQUIREMENTS FOR SUBMISSION OF AN ENVIRONMENTAL IMPACT STATEMENT FOR B-5 PLANNED REGIONAL BUSINESS DISTRICT

*The Planning Department is assigned responsibility
for administration of these design standards.*

Section 1. GENERAL

Pursuant to the provisions of Section 27.37.070(c) of the Lincoln Municipal Code, if any application for a change of zone to the B-5 Planned Regional Business District and for a use permit substantially deviates from the Comprehensive Plan in terms of location or size, as determined by the Planning Director, the applicant shall submit an environmental impact statement to assist the city officials and citizens in determining whether such proposed uses are likely to have an adverse environmental impact and whether the applicant has given fair consideration to the preservation and enhancement of the environment and to the interest of the whole community in which the uses are to be located.

Section 2. ESSENTIAL ELEMENTS

The applicant shall submit data and analyses of any environmental impact which the proposed project may have including, but not limited to, the following elements:

A. Project Description

1. Prepare a vicinity map showing the location of the project within the city and region as a whole.
2. Show on the map and describe the existing community facilities and public utilities serving the project site and its immediate area, including, but not limited to, streets, highways, drainage, sewage, parks and playgrounds, water mains, power lines and show by genus and species all plant material that is four (4) inches or greater in diameter.
3. Describe the present physical condition in the vicinity of the project site including soils, topography, vegetation, geological conditions, water bodies, flood plains, land use and other pertinent physical characteristics.
4. Describe the proposed uses and its staging of development.
5. Describe the purpose of the development as related to the accomplishment of the established goals and policies and the Comprehensive Plan.

B. Impacts on the Environment (beneficial as well as adverse)

1. Discuss the probable impacts of the development on the physical environment, including soils and their erosion, topography, vegetation, geological conditions, water bodies, flood plains, land use and other pertinent physical characteristics.

2. Discuss whether the environment will affect existing and proposed protected areas such as planned parks and natural areas.
3. Comment on whether the project will be compatible with the existing and proposed land use patterns and how it relates to the Comprehensive Plan.
4. Discuss any problems associated with the provisions of adequate utilities, including the quantity and quality of water resources, sewage treatment, solid waste disposal and drainage facilities.
5. Roadways within and adjacent to the proposed development must be evaluated to determine if they have sufficient capacity to accommodate project traffic volumes after the development is complete. This analysis should follow this basic format.
 - a. Analysis of existing and proposed roadway capacity within the development and downstream on existing roads where the closest capacity restraints exist. (Example, closest stop sign or signal control.)
 - b. Determine existing traffic volumes on roads to be analyzed.
 - c. Determine traffic generated by the development and assign to existing and proposed roadways and its relationship to the traffic projections shown in the Comprehensive Plan.
 - d. Determine if roadway capacity problems will result by use of volume capacity ratios and level of service. Evaluate anticipated capacity problems and propose solutions through Intersection controls, roadway improvements, etc. All methods used in this analysis should follow the latest guidelines of the Institute of Transportation Engineers.
 - e. Analysis should also include discussion of any efforts taken to encourage energy conservation, carpooling and transit use.
6. Discuss the efforts of the project on the compliance with various environmental performance standards set forth in the City's Air Pollution Control Ordinance (Municipal Code Chapter 8.06) and Air Pollution Control Regulations and Standards, the Noise Ordinance (Municipal Code Chapter 8.24) and other related standards as shall be established by appropriate municipal departments from time to time.
7. Describe possible social impacts associated with the project, such as employment generation, housing demand, residential and business displacement, and effects on low-income neighborhoods.
8. Describe economic impacts associated with the project in the form of cost/benefit analysis. Costs imply those public expenditures needed to provide additional community facilities while benefits may include increases in the local tax base, increased employment and other items.
9. If an application for a use permit for new construction or for an addition to or alteration of existing construction pertains to a portion of land located in a B-5 District where the applicant has no control over the uses of other land in the same District (e.g. under multiple ownership), and the proposal contained in

the application is for 50,000 square feet or less of gross leasable floor area or a total of five (5) acres or less of land (including parking, setbacks and landscaping requirements), Element B, impacts on the environment, items 1 through 8 may be waived. If these items are waived, the impact statement shall be addressed to the following subjects:

- (a) Describe the physical and functional relationship between the proposed use and the rest of the District. The discussion shall emphasize the implications that the proposed use and development plan may have for the other lands in terms of land uses, types of development, physical design, circulation, accessibility and the provision of public utilities.
- (b) Identify these adverse impacts which the proposed use may have on other lands within the District and the areas immediately adjacent to the District, such as visual impact on the natural setting, impediment to the functional integrity of the whole District and inefficient usage of space and resources.

C. Alternative to the Proposed Project

Consideration should be given to the other reasonable or viable alternatives to the proposed project in order to examine whether the proposed development is the best among those alternatives being considered. The discussion should focus on listing what other alternatives were considered and a statement of why they were rejected.

D. Mitigation of Adverse Environmental Impacts

Summarize the adverse environmental impacts described in previous section, and discuss the means by which the applicant proposes to mitigate them as well as other potential mitigation measures which could be considered. Discussion should include measures taken or being proposed by the applicant during construction, after construction and those preservation measures which were considered but rejected.

E. Impacts Over Time

Discuss the impacts which will occur during the construction phase such as noise, dust, vibration and traffic disruption from regular construction activities (immediate impacts); those which will extend beyond construction phase but only for a short period of time, such as short term erosion until vegetation has grown enough to hold the soil in place (short-term impacts); and those which will extend long into the future such as increased demand for public services and unavoidable pollution impacts (long-term impacts).

F. Irreversible and Irretrievable Commitments of Natural Resources

Describe any irreversible and irretrievable commitments of resources which would be involved in the proposed development, should it be implemented, such as consumption of prime agricultural land and resource utilization for the construction of infrastructure to support the project.

Section 3. REVIEW PROCESS

The EIS, when required by the Planning Director, shall be submitted along with the other documents specified in Section 27.37.070(e), Title 27 of the Lincoln Municipal Code. The preliminary review of the submitted environmental impact statement will be made at the staff level consisting of representatives of the planning, public works, law, health and other related department. Within 15 days from receipt of EIS, these departments shall submit their comments to the Planning Director. Following the preliminary review at the staff level, the Planning Director shall evaluate the document's completeness and may recommend a resubmission of EIS.

In the event of a disagreement between the Planning Director and the applicant concerning the adequacy of the EIS as submitted, every effort shall be made to resolve this at the staff level. In the event that a resolution cannot be reached between the Planning Director and the applicant, the applicant shall file a written response indicating his disagreement with the recommendations of the Planning Director. This matter shall be heard by the Planning Commission and the City Council in the manner described in the following paragraph.

Upon receipt of an EIS and other required documents, the Planning Commission shall hold a public hearing on the proposed project and shall make the EIS available for public inspection. In reporting its recommendations to the City Council, the Planning Director's report along with any comments regarding the EIS raised during the Planning Commission hearing for the Council's consideration.

Section 4. RESPONSIBILITY OF PREPARING EIS

The applicant shall assume the total costs in connection with the preparation of an acceptable EIS as required by the Planning Director.